THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8404 OF 2006

ORAL ORDER:

The petitioner is aggrieved by the orders passed by the Special Deputy Collector, Tribal Welfare, Eturnagaram village under Section 3 (2) (a) of the A.P. Scheduled Areas Land Transfer Regulations 1 of 1959, as amended by Regulation 1 of 1970 (for short "Regulation 1 of 1970), thereby declaring that the property in possession of the petitioner, was in contravention of the provisions of the Regulations 1 of 1959, and accordingly, directing resumption of the land in favour of the Government. The petitioner states that the said orders dated 31,03.2006 were served on him on 18.04.2006 and immediately thereafter, he preferred an appeal before the Agent to the State Government on 21.04.2006. It is not in dispute that the petitioner also sought for stay of the orders of ejection passed by the Special Deputy Collector. Petitioner filed the writ petition on 24.04.2006 stating that the appellate authority failed to consider his request for interim stay pending appeal, but in the meanwhile, respondents were taking steps to implement the orders of ejection passed by the 1st respondent.

On behalf of respondents, the 2nd respondent/appellate authority himself filed a counter affidavit stating that as a matter of fact on 21.04.2006 itself he passed orders rejecting the stay of operation of orders of ejection.

The learned Government Pleader on the basis of the said counter affidavit submits that the petitioner has suppressed the said fact and filed the writ petition misrepresenting that his application for stay was still pending before the appellate authority.

Though in the counter affidavit it is stated that the application for stay was disposed of on 21.04.2006, nothing has been placed before this Court by the respondents to show that the said orders were communicated to the petitioner. Be that as it may, the fact remains that the statutory appeal preferred against the orders of the Special Deputy Collector is still pending before the 2nd respondent. If that be

so, I am of the opinion that it would be appropriate to protect the possession of the petitioner till the statutory appeal is disposed of. As a matter of fact, in the counter affidavit, it is stated that the appeal stands posted to 29.04.2006 for hearing.

In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent to dispose of the appeal filed by the petitioner against the orders of the Special Deputy Collector, Tribal Welfare, Eturnagaram, after following due process of law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. Till such time, there shall be a direction not to give effect to the orders of ejection dated 31.03.2006 passed by the Special Deputy Collector (TW), Eturnagaram.

The writ petition is accordingly, disposed of. No costs.

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(G. ROHINI, J.)

27th April, 2006.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8441 OF 2006

25th April, 2006.

Between:

Gandipudi Venkayamma. .. Petitioner.

And

The Additional Agent to the Government,

Rampachodavaram, East Godavari District

And two others. .. Respondents.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION Nos.8400; 8401; & 8428 OF 2006

27th April, 2006.

W.P.No.8400 of 2006:

Between:

Etkuri Srinivas and another. .. Petitioner.

And

The Special Deputy Collector, Tribal Welfare,

Eturnagaram village and Mandal, Warangal

District and two others. .. Respondents.

W.P.No.8401 of 2006:

Mallela Narasamma and another. … Petitioners.

And

The Special Deputy Collector (TW),

Eturunagaram village and Mandal,

Warangal District and three others. .. Respondents.

W.P.No.8428 of 2006:

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M.D. Jaleel. .. Petitioner.

And

The Special Deputy Collector (TW),

Eturunagaram village and Mandal,

Warangal District and three others. .. Respondents.

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